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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DON AMECHE RHEW,

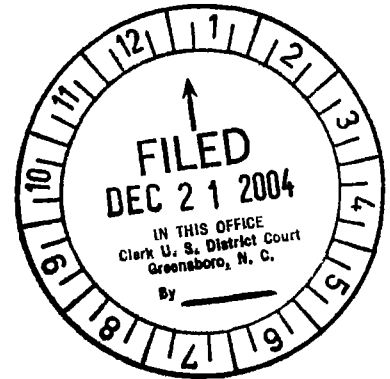
Petitioner,

v.

THEODIS BECK, Secretary of the
North Carolina Department of
Correction,

Respondent.

1:04CV00340



O R D E R

On November 16, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections within the time limit prescribed by Section 636.

The Court has reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that the petition for habeas corpus (docket no. 1) is denied, that respondent's motion for summary judgment (docket no. 4) is granted, that petitioner's motion to grant habeas corpus (docket no. 10) is denied, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

December 21, 2004


United States District Judge